

# AMENDMENT TO THE RULES FOR THE FINAL PRELIMINARY ROUND

THE ELSA UK COMMERCIAL LAW MOOT COURT  
COMPETITION (COMMOOT)



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# Preamble

A Final Preliminary Round ("FPR") is an official round of the ELSA UK Commercial Law Moot Court Competition ("COMMOOT") and is an emergency measure that ELSA United Kingdom has adopted in light of the COVID-19 pandemic to replace the in-person Final Rounds and to permit the continued participation in the competition of registered teams.

This amendment of the Rules applies specifically to the ability to conduct the oral pleadings on a virtual platform. The written and Local Rounds portions of the competition have already concluded and remain unchanged.



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## 1. Technical Requirements

1.1. Microsoft Teams will be used to conduct the virtual rounds. Microsoft Teams can be accessed for an individual meeting via a website from a link provided by the organisers. Teams do not need to download Microsoft Teams or have any special software on their computers. However, students are encouraged to download the software and practice virtual pleading before the FPR.

1.2. ELSA UK advises everyone to stay home. Team members should join from more than one location. The camera must be focused on the designated orator and the cameras and microphones of the team members not using their speaking time must be off and muted. This can be a laptop camera or a separate web camera (which may be preferable).

1.3. Team members may create a separate chat for communication among team members during the pleadings. Coaches or individuals that are not registered members of the team shall not be part of such a chat.

1.4. Each team and judge is responsible for finding a suitable location, which is quiet and closed to the public and where the user will have access to a desk and chair, steady reliable internet and source of power for up to 4 hours. Locations in open hallways, libraries, cybercafes, coffee shops, etc. are not acceptable. We strongly urge you to choose a suitable location in advance of the FPR session.

1.5. The team not speaking shall mute its microphones and ensure that there is no rustling of papers or extraneous noise during the oral pleading. The judge will monitor and control this, including stopping time if it becomes impossible to hear the orator because of noise or other interference. If the judge needs to stop the session multiple times, unless for technical reasons independent from the team, it will be at the discretion of the judge whether to disqualify the team responsible for the disruption, or to deduct points.



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1.6. By agreeing to participate in the FPR both judges and team members agree to the sharing of their email addresses with ELSA UK or the FPR organizers to facilitate the scheduling and management of the virtual moot. ELSA UK or the FPR organizers will not use this information for any other purposes.

## 2. Participating in the Round

2.1. Teams must provide ELSA UK with an email address of the user(s). ELSA UK will then send teams the following relevant information at least 48 hours before the scheduled pleading:

- a. The number of the team they are competing against and the side they are pleading;
- b. The date and time of the pleading sessions. Teams are encouraged to log in an hour before the start of the pleading to confirm access;
- c. The contact email for the representative of ELSA UK or the FPR organizer coordinating the pleading; and
- d. The link to access the videoconference.

2.2. Each judge will also receive a link to the videoconference for the pleading.

2.3. The only users that should be on the videoconference are the team members (including registered coaches), the judge, and the timekeeper.

2.4. One day before the scheduled pleading, ELSA UK or the FPR Organizer will contact the teams and the panelists to verify that they can access the Microsoft Teams platform.

2.5. At the beginning of each session the judge will read out the following text and ask each team whether they affirm that they will comply:

"Do you, the members of Team Number # solemnly promise that you will abide by the rules of the ELSA UK Commercial Law Moot Court Competition and the rules for the Final Preliminary Rounds and that you will not communicate with or accept assistance from in any way your coaches or other individuals during the oral pleading?"

Each student from the participating teams must affirm that they will. The judge will then remind that: "Failure to comply with the rules or to accept help from outside sources, including coaches, can result in the Panel recommending your disqualification to ELSA United Kingdom."

2.6. The rule limiting teams to their team members and up to 2 registered coaches in the video conference remains in effect. Coaches may not communicate with team members in any way during the pleading. All persons present in the videoconference must be identified to the judge at the start of the pleading. Once the pleading has started no one should enter the videoconference that was not present at the beginning. If someone leaves the videoconference during the pleading, they must seek permission from the judge or not return to the videoconference after they leave. The judge has the discretion to disqualify a team for violation of this rule.

2.7. Team members or coaches may not record the video conference.

2.8. Teams are allowed to use not more than two laptops per team during the pleading. In addition to the laptop used for the webcast, a team may use another laptop for reference. A team may also use an additional device (stopwatch) for time keeping.



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2.9. The chat feature of Microsoft Teams will be used to announce the approach of various time limits. If teams are unable to get the judge's attention via video, they may also use the chat to ask for additional time. The chat should not be used to send messages to coaches, the other team or judges.

2.10. Judges will exit the virtual pleading for a maximum of 10 minutes to decide on their scoring. They will then return to the virtual pleading to provide feedback. Judges will not reveal the scores to the teams. Once the feedback is complete, teams may leave the virtual pleading.

2.11. Panelists will send their scores to the Vice President in charge of Moot Court Competitions of ELSA UK. Once each team has pleaded both complainant and respondent, the scores will be tallied and combined with those of the written submissions per the existing rules.

### **3. Technical or Other Difficulties**

3.1. If the judge is unable to join/loses connection to the videoconference, the teams and timekeeper will wait 10 minutes. If the judge does not manage to join the videoconference, the team's score shall be determined by their Local Round score.

3.2. If it is impossible for an oral pleading to be completed because of technical difficulties, the judges have the option to make adjustments to the scores according to the relevant situation. This could include:

- a. Scoring the orators/portion of the argument they were able to hear and using that for the overall score; Orators who were unable to speak will not receive individual scores for that round towards determining the best orator award.
- b. If a team was unable to plead due to technical difficulties, then the score for that team's written submission for the relevant side will be used. For such a team, the share of the oral pleading will be reduced to 40% of the total score.



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## 4. General

4.1. By agreeing to participate in the FPR, the teams and judges acknowledge that ELSA UK has full and final discretion in managing the FPR to ensure its technical and logistical success while maintaining academic quality and integrity.

4.2. The FPR is an emergency measure and ELSA UK cannot be responsible for failure for pleadings to be completed because of technical difficulties – such as equipment, software, or internet failure. ELSA UK will take best available measures to resolve or mitigate any issues that may arise, including adjusting scores as discussed in paragraphs 3.1, 3.2 above, if this would produce the fairest result. ELSA UK cannot warrant that it will be able to resolve every failure to complete a pleading to a team's satisfaction.

4.3. Teams are reminded that these amendments are to ensure the logistical possibility to run a virtual round in an emergency situation, the other rules of the Competition, particularly with respect to good practice remain in force.

4.4. ELSA UK will send an email to all teams announcing which teams will advance to the Grand Final once the venue and dates of it have been confirmed. ELSA UK will continue to monitor the evolving situation with respect to the COVID-19 pandemic and update participants as soon as possible, if there are any changes to the Grand Final of COMMOOT 2020.



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